IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A.No.5655 of 2003.

Date of decision : 8.9.2006.

Hari Singh .....Appellant

versus

The Central Warehousing Corporation and others .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present: Mr.Vikram Singh. Advocate for the appellant
Mr.S.P.Laler, Advcoate for the respondents.

ORDER

HEMANT GUPTA, J (Oral)

The plaintiff is in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby his suit for declaration that the judgment and decree dated 18.5.1989 is a result of fraud and misrepresentation, was dismissed.

Earlier the parties have entered into an agreement to exchange the land for convenience of the parties. On the basis of said exchange, the defendants suffered a consent decree dated 18.5.1989 which is sought to be avoided by the plaintiff in the present suit. The sole argument raised by learned counsel for the appellant is that there was prior oral agreement and on the basis of oral agreement the defendants were to connect the land sought to be given in exchange, by underground pucca drain and also promised to appoint son of the plaintiff. But, no such oral agreement has been proved between the parties. Once the parties have recorded the terms of the settlement by virtue of agreement dated 18.5.1989, any evidence

to show that there was any other agreement has not rightly found believable by the Courts below.

In view of the above, I do not find not find any illegality or irregularity in the finding recorded by the Courts below which may raise any substantial question of law in the second appeal, for consideration of this Court.

Dismissed in limine.

(HEMANT GUPTA)
JUDGE

September 8, 2006.
**mohinder*